

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)	
)	
v.)	Case Nos. 1:06-cr-9-001
)	1:06-cr-9-003
STEPHAN FEKETE and)	<i>Judge Edgar</i>
PATRICK PITTS)	

MEMORANDUM AND ORDER

This case came before the Court on October 11, 2006, pursuant to 18 U.S.C. § 4241(a) and 18 U.S.C. § 4247(d) for a hearing on the mental competency of defendants Stephan Fekete and Patrick Pitts. Forensic Reports were received by the court and filed on September 7, 2006 and September 27, 2006. [Doc. Nos. 77 and 73]. According to these reports, each of the defendants is competent to stand trial.

At the hearing the author of the above reports, Karen Milliner, testified by video conference. Dr. Milliner, who is a Forensic Psychologist, essentially confirmed the conclusions reached in her reports. She also testified that in fact neither of these defendants has any mental diseases or defects. This testimony was un rebutted. While defendant Fekete may have been somewhat non-responsive, this does not mean that he does not have the ability to assist his attorney.

For all of the above reasons, the Court **FINDS** that neither of these defendants has shown by a preponderance of the evidence that they are presently suffering from a mental disease or defect rendering the defendants mentally incompetent to the extent that the defendants are unable to

understand the nature and consequences of the proceedings against him or to assist properly in their defense 18 U.S.C. § 4241(d). A separate scheduling order for the disposition of this case will be entered.

SO ORDERED.

ENTER this the 13th day of October, 2006.

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE